

MEMORANDUM

December 8, 2005

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: PHILIP S. MILLER
Assistant County Counsel
General Litigation Division

RE: Claim of Donald Clarence Roden

DATE OF
INCIDENT: July 28, 2004

AUTHORITY
REQUESTED: \$62,581.00

COUNTY
DEPARTMENT: Public Works

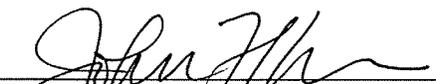
CLAIMS BOARD ACTION:

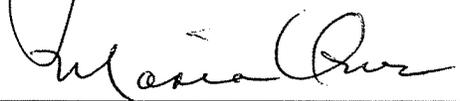
Approve

Disapprove

Recommend to Board of
Supervisors for Approval


_____, Chief Administrative Office
ROCKY ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on December 19, 2005

SUMMARY

This is a recommendation to settle for \$62,581.00 a claim for damages filed by Donald Clarence Roden, who was injured when his motorcycle collided with a vehicle driven by a County employee.

LEGAL PRINCIPLES

A public entity is responsible for the negligent acts of its employees when the acts are done in the course and scope of employment.

A person who has no auto liability insurance at the time he is injured in an automobile collision is limited in his recovery to his actual, out-of-pocket expenses.

SUMMARY OF FACTS

On July 28, 2004, Donald Clarence Roden was riding his motorcycle on Parker Road in Santa Clarita. A County employee was proceeding in the opposite direction waiting to make a left turn. The County employee has admitted a large truck obstructed his view of oncoming traffic. However, he began his left turn and collided with Mr. Roden's motorcycle. The Sheriff's investigation of the accident concluded the County driver was at fault for his failure to yield the right of way.

Mr. Roden was transported by ambulance from the scene of the accident to the hospital. He was hospitalized for more than a week.

DAMAGES

Mr. Roden suffered a laceration to his scrotum, which required surgery to repair. He also underwent a sigmoidoscopy and irrigation and debridement of his perineal wound. His verified medical expenses are \$34,651.00.

At the time of the accident, he was employed as an electrician. His verified loss of earnings are \$12,524.00.

Mr. Roden's motorcycle was totaled in the accident. The damage has been verified by an appraiser employed on behalf of the County. The value of the motorcycle was \$14,800.00. Mr. Roden is also claiming the loss of his helmet and visor, valued at \$315.00, and seeks recovery of a towing bill in the amount of \$291.00.

STATUS OF CASE

Because no lawsuit has been filed, there are currently no court dates set in this matter.

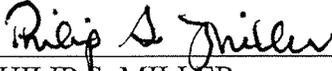
This matter is being settled as a claim, therefore no attorney's fees or expenses have been incurred.

EVALUATION

We believe a jury could find the County employee negligent in failing to yield the right of way to oncoming traffic. A reasonable settlement of this claim will prevent it from proceeding to litigation.

We join our third party administrator, Carl Warren & Company, in recommending a settlement of this matter in the amount of \$62,581.00. The Department of Public Works concurs in the recommendation.

APPROVED:



PHILIP S. MILLER
Assistant County Counsel
General Litigation Division

PSM:eaw